

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

AMY U. HICHEZ,

Plaintiff,

vs.

Case No. 13-
Hon.

-CZ

13-010903-CZ

CAROL OWENS-DILLON and
FRANK TOMCSIK

FILED IN MY OFFICE
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8/21/2013 8:07:52 AM
CATHY M. GARRETT

Defendants

Courtney E. Morgan, Jr. (P29137)
Debra N. Pospiech (P55277)
MORGAN & MEYERS, PLC
Attorneys for Plaintiff
3200 Greenfield Road, Suite 260
Dearborn, MI 48120
(313) 961-0130

There is no other pending civil action arising out of
the transaction or occurrence alleged in the complaint.
/s/ Debra N. Pospiech

PLAINTIFF'S COMPLAINT AND JURY DEMAND

NOW COMES the above captioned Plaintiff, AMY U. HICHEZ, by and through her attorneys, MORGAN & MEYERS, and for her Complaint against the above named Defendants states as follows:

1. At all times pertinent to this complaint, Plaintiff, AMY U. HICHEZ, was and is currently a resident of the Township of Redford, County of Wayne, State of Michigan, and is currently the Executive Administrator to the Treasurer of the State of Michigan, Andy Dillon.

2. Defendant CAROL OWENS-DILLON (hereinafter "Defendant Owens-Dillon"), at all pertinent times, was and is a resident of the Township of Redford, County of Wayne, State of Michigan and was married to State Treasurer Andy Dillon.

3. Defendant FRANK TOMCSIK (hereinafter "Defendant Tomesik"), at all pertinent times, was and is a resident of the Township of Redford, County of Wayne, State of Michigan, and is and was a personal acquaintance of both Defendant Owens-Dillon and State Treasurer Andy Dillon.

5. The amount in controversy exceeds \$25,000.00, exclusive of interest, costs and attorneys' fees.

6. Plaintiff graduated from Western Michigan University in 1994 with a Bachelor's Degree in Social Work.

7. Plaintiff first worked with Andy Dillon in 2008 as his Campaign Manager in the general election for Michigan State Representative from the 13th Congressional District. Plaintiff managed all political activities in the campaign office, oversaw a team of volunteers to implement field campaign plans including door-to-door voter canvassing and phone banking, and coordinated fundraising activities and communicated with political caucus resources.

8. Upon Mr. Dillon's successful election to the Michigan House of Representatives, and him being named Speaker of the House, Plaintiff became Executive Administrator to the Speaker of the House from December 2008 to December 2010. Plaintiff's duties included the following:

- a. Responsible for the Speaker's daily schedule, agenda and meetings, including press interviews, radio and television time with the press secretary.

- b. Maintain knowledge of the Speaker's duties to effectively schedule the appropriate appointments.
- c. To have excellent interpersonal skills with staff, as well as outside clients and vendors.
- d. Prepare reports, maintain professional records and catalog work history.
- e. Maintain confidentiality, and assure discreet handling of all business.
- f. Accept and make calls on behalf of the Speaker, screen calls, and make travel and meeting arrangements.
- g. Review the Speaker's mail and invitations, draft correspondence.
- h. Administer major special events for the Michigan House of Representatives including 2009 and 2010 State of the State Address.

9. Upon Governor Rick Snyder's appointment of Andy Dillon to the position of Michigan State Treasurer in January 2011 until present, Plaintiff has been the Executive Administrator to State Treasurer Andy Dillon. Her duties include the following:

- a. Prepare presentations for executive-level and customer meetings; draft correspondence, process expense reports, and maintain confidentiality of all records and reports.
- b. Answer calls and respond to moderately complex inquiries from employees, management and external sources.
- c. Process mail and take action as appropriate.
- d. Access documentation and maintain data by using business enterprise systems.

- e. Enter and manipulate data in database, spreadsheet, or file management programs.
- f. Communicate sensitive information to senior management staff and external sources, where appropriate.
- g. Make travel arrangements and accommodations for department staff and incoming visitors.
- h. Collect and prepare information for use in meetings and discussion of executive staff and outside individuals.
- i. Draft correspondence, reports, and memoranda.

10. Plaintiff's duties for the State Treasurer require her to conduct herself with the utmost integrity and intelligence and in a dignified manner as would be expected of a person working directly for a high level State government official. Plaintiff's conduct at all times has been beyond reproach, she represents the Office of the State Treasurer in an honorable manner and with professionalism, and she has attained the respect of the Governor, elected officials, colleagues, the media, and persons doing business with the State of Michigan and, specifically, the State Treasurer's Office.

11. On or about July 7, 2013, Defendant Owens-Dillon published to the public at large false and defamatory statements regarding Plaintiff on Defendant Owens Dillon's Facebook page, as follows:

"Great story of GOOD VS EVIL..
a year and a half ago I caught my then alcoholic husband Andy Dillon cheating on Christmas Day with his secretary AMY HICHEZ. . . ." [Emphasis in original.]

(Exhibit 1)

Defendant Owens Dillons' Facebook page is not blocked or privacy protected in any way and can be accessed by anyone in the world.

12. On or about July 7, 2013, Defendant Tomcsik further published Defendant Owens-Dillons' false and defamatory statements by posting the statements on his own Facebook page, and further published the false and defamatory statements to the world by attaching the statements to other publications (Exhibit 2), such as:

- a. The *Observer and Eccentric Newspaper* website as a comment to "Letters to the editor;"
- b. The *Observer and Eccentric Newspaper* website as a comment to an article entitled "Summer: A good time to take stock, vacation" and Defendant Tomcsik added the following comment to draw the reader's attention to the false and defamatory statement: "A good reason to take a break from life;"
- c. The *Observer and Eccentric Newspaper* website as a comment to an article entitled "Redford Township seeks to limit use of fireworks," and Defendant Tomcsik added the following comment to draw the reader's attention to the false and defamatory statement: "Here are fireworks without boom;"
- d. The *American Association for Retired Persons* website as a comment to an article entitled "Why Long-Married Couples Split;"
- e. The *Motor City Muckracker* website as a comment to an article entitled "Wayne County court: Treasurer Dillon not paying child support;" and

f. Other publications to become known through the course of discovery.

13. Defendants' published statements identify Plaintiff as a female subordinate employee having an adulterous affair with State Treasurer Dillon and such statements are false. Plaintiff and State Treasurer Dillon have never had any type of romantic relationship and their employer/employee relationship has remained purely professional at all times.

14. After Defendants' published their false and defamatory statements, Plaintiff has been and continues to be contacted by an immeasurable amount of people who saw the publications, and who have commented regarding the damaging and scandalous content of the statements and who have questioned Plaintiff's reputation, character, veracity, and ethics, and her professionalism as an employee for the State of Michigan.

15. On July 9, 2013, Plaintiff sent letters both regular and certified mail to Defendants Owens-Dillon and Tomcsik demanding a retraction of the false and defamatory statements, pursuant to MCL. 600.2911(2)(b). Defendants **did not** retract the false and defamatory statements.

COUNT I

DEFAMATION

Plaintiff hereby restates, realleges and incorporates by reference each and every paragraph above, as though fully set forth herein, and further states, in the alternative, the following:

16. Defendants Owens-Dillon and Tomcsik did prepare, publish, and broadcast to the public at large beginning on July 7, 2013, statements on Facebook and other blog posts that were false and/or knowing they had a high probability of falsity and/or after making a deliberate decision not to acquire knowledge of facts that might confirm the probable falsity and/or as opinions that can be proven to be false, and which harmed Plaintiff's reputation and deterred others

from associating with her and/or that were unreasonable and highly objectionable by attributing to Plaintiff characteristics, conduct or beliefs that were false and placed Plaintiff in a false position, as detailed herein.

17. Defendants' conduct was intentional, malicious or so reckless as to demonstrate a substantial lack of concern for whether injury would result.

18. Prior to these communications, Plaintiff enjoyed a reputation for good character in the community, and as a highly professional, reputable and ethical Executive Administrator to a high level government official in the State of Michigan.

19. As a result of the wrongful, willful, malicious and reckless communications by Defendants, Plaintiff has been greatly injured and prejudiced in her professional reputation and conduct of business and has suffered special and general damages as set forth below:

- a. Plaintiff has been greatly injured in her good name and has been brought into public scandal and disgrace, which also affects her employment opportunities;
- b. Plaintiff has been publicly humiliated and embarrassed, has suffered great distress, mental anguish and depression, and has been injured in her professional and personal reputation in the community, which also affects her employment opportunities;
- c. Loss of credibility and the high regard in which Plaintiff was held as an Executive Administrator to a high level government official in the State of Michigan, which also affects her employment opportunities;

- d. Physical manifestations of emotional distress including, but not limited to, sleeplessness, irritability, depression, fear, and other symptoms;
- e. Fright, shock, indignity, humiliation and embarrassment, past, present and future, of being stigmatized with a false badge of infamy as a woman participating in an adulterous affair with a high level government official;
- f. Loss of enjoyment of life past, present and future;
- g. Actual attorney fees and costs;
- h. Other special and general damages as allowed under law to be determined during the course of discovery.

WHEREFORE, Plaintiff Amy U. Hiechez prays that this Honorable Court grant judgment against Defendants Owens-Dillon and Tomesik for compensatory, exemplary and punitive damages in whatever amount greater than Twenty-five Thousand Dollars (\$25,000.00) to which she is deemed to be entitled, together with interest, costs and attorney fees; as allowed under Public Act 236 of 1961, specifically, Section 2911 of the Revised Judicature Act of 1961, MCL 600.2911.

COUNT II
INJURIOUS FALSEHOOD

Plaintiff hereby restates, realleges and incorporates by reference each and every paragraph above, as though fully set forth herein, and further states, in the alternative, the following:

20. Defendants Owens-Dillon and Tomesik did prepare, publish, and broadcast to the public at large beginning on July 7, 2013, statements on Facebook and other blog posts that were false and/or knowing they had a high probability of falsity and/or after making a deliberate decision not to acquire knowledge of facts that might confirm the probable falsity and/or as

opinions that can be proven to be false and which harmed Plaintiff's reputation and deterred others from associating with her and/or that were unreasonable and highly objectionable by attributing to Plaintiff characteristics, conduct or beliefs that were false and placed Plaintiff in a false position, as detailed herein.

21. Defendants published such false statements with willful, malicious intent to injure the Plaintiff and cause the loss of pecuniary interests to the Plaintiff or, in the alternative, Defendants knew or should have known that the publication of such false statements would cause the loss of pecuniary interest to the Plaintiff.

22. Defendants published such statements knowing them to be false, or in the alternative, acted in reckless disregard of their truth or falsity.

23. As a result of the wrongful, willful, malicious and reckless communications by Defendants, Plaintiff has been greatly injured and prejudiced in her conduct of business and has suffered harm to interests of a pecuniary nature; to wit:

- a. Plaintiff has been greatly injured in her good name and has been brought into public scandal and disgrace, which also affects her employment opportunities;
- b. Plaintiff has been publicly humiliated and embarrassed, has suffered great distress, mental anguish and depression, and has been injured in her professional and personal reputation in the community, which also affects her employment opportunities;

- c. Loss of credibility and the high regard in which Plaintiff was held as an Executive Administrator to a high level government official in the State of Michigan, which also affects her employment opportunities;
- d. Physical manifestations of emotional distress including, but not limited to, sleeplessness, irritability, depression, fear, and other symptoms;
- e. Fright, shock, indignity, humiliation and embarrassment, past, present and future, of being stigmatized with a false badge of infamy as a woman participating in an adulterous affair with a high level government official;
- f. Loss of enjoyment of life past, present and future;
- g. Actual attorney fees and costs;
- h. Other special and general damages as allowed under law to be determined during the course of discovery.

WHEREFORE, Plaintiff Amy U. Hichez prays that this Honorable Court grant judgment against Defendants Owens-Dillon and Tomcsik for compensatory, exemplary and punitive damages in whatever amount greater than Twenty-five Thousand Dollars (\$25,000.00) to which she is deemed to be entitled, together with interest, costs and attorney fees; as allowed under Public Act 236 of 1961, specifically, Section 2911 of the Revised Judicature Act of 1961, MCL 600.2911.

COUNT III

FALSE LIGHT-INVASION OF PRIVACY

Plaintiff hereby restates, realleges and incorporates by reference each and every paragraph above, as though fully set forth herein, and further states, in the alternative, the following:

24. Defendants Owens-Dillon and Tomesik on numerous occasions while publishing the false and defamatory statements beginning on July 7, 2013, on Facebook and other blog posts acted with actual malice and/or reckless disregard of the truthfulness of the statements and implications made thereby, and did invade Plaintiff's privacy.

25. Defendants published to the public in general, or to a large number of people information that was unreasonable, unreliable and highly objectionable by attributing to the Plaintiff conduct that was false and placed plaintiff in a false light; said actions by Defendants being intentional or so reckless as to demonstrate a substantial lack of concern for whether injury would result.

26. As a result of the wrongful, willful, malicious and reckless communications by Defendants, Plaintiff has been greatly injured and prejudiced in her professional reputation and conduct of business and has suffered special and general damages as set forth below:

- a. Plaintiff has been greatly injured in her good name and has been brought into public scandal and disgrace, which also affects her employment opportunities;
- b. Plaintiff has been publicly humiliated and embarrassed, has suffered great distress, mental anguish and depression, and has been injured in her professional and personal reputation in the community, which also affects her employment opportunities;
- c. Loss of credibility and the high regard in which Plaintiff was held as an Executive Administrator to a high level government official in the State of Michigan, which also affects her employment opportunities;

- d. Physical manifestations of emotional distress including, but not limited to, sleeplessness, irritability, depression, fear, and other symptoms;
- e. Fright, shock, indignity, humiliation and embarrassment, past, present and future, of being stigmatized with a false badge of infamy as a woman participating in an adulterous affair with a high level government official;
- f. Loss of enjoyment of life past, present and future;
- g. Actual attorney fees and costs;
- h. Other special and general damages as allowed under law to be determined during the course of discovery.

WHEREFORE, Plaintiff Amy U. Hichez prays that this Honorable Court grant judgment against Defendants Owens-Dillon and Tomcsik for compensatory, exemplary and punitive damages in whatever amount greater than Twenty-five Thousand Dollars (\$25,000.00) to which she is deemed to be entitled, together with interest, costs and attorney fees; as allowed under Public Act 236 of 1961, specifically, Section 2911 of the Revised Judicature Act of 1961, MCL 600.2911.

COUNT IV

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Plaintiff hereby realleges and incorporates by reference, each and every paragraph above, as though fully set forth herein, and further states, in the alternative, the following:

27. Defendants above actions constituted extreme and outrageous conduct, with the intent to cause Plaintiff severe emotional distress and/or were so reckless as to cause Plaintiff severe emotional distress.

28. As a direct and proximate result of the actions of Defendants, and the acts of

retaliation and malice against Plaintiff for their personal gain and vendettas, Plaintiff has suffered the following damages, including, but not limited to:

- a. Mental anguish and emotional distress;
- b. Physical pain, suffering, and illness;
- c. Humiliation, outrage and embarrassment;
- d. Other damages as determined by the trier of fact.

WHEREFORE, Plaintiff Amy U. Hichez prays that this Honorable Court grant judgment against Defendants Owens-Dillon and Tomcsik for compensatory and exemplary damages in whatever amount greater than Twenty-five Thousand Dollars (\$25,000.00) to which she is deemed to be entitled, together with interest, costs and attorney fees.

DEMAND FOR JURY TRIAL

NOW COMES the above-captioned Plaintiff, Amy U. Hichez, by and through her attorneys, MORGAN & MEYERS, PLC and hereby demands a trial by jury relative to the above-captioned matter.

Respectfully submitted,

MORGAN & MEYERS, PLC

/s/ Debra N. Pospiech

Courtney E. Morgan, Jr. (P29137)

Debra N. Pospiech (P55277)

Attorneys for Plaintiffs

3200 Greenfield Road, Suite 260

Dearborn, MI 48120

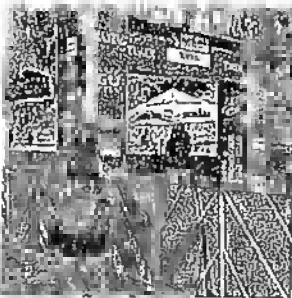
(313) 961-0130

DATED: August 20, 2013

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Carol Owens-Dillon

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Carol Owens-Dillon

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Great story of GOOD VS EVIL..

a year and a half ago I caught my then alcoholic husband And Christmas Day with his secretary AMY HICHEZ. After years of and cheat I finally kicked him out and never looked back. He c and bother me with drunk texts etc.. nothing I cant handle.

Today on my usual 10 mile run (of which there is this one hou constantly comes out to try to talk and asks over n over why I him. He cant take a simple no. Plus I ignore him)

Passing his house tjis beautiful Sunday, I fortunately had the c meeting a woman siting on the porch. We cjatted a while and was uo. She suspected he was a cheater. I apologized for her her aonce the cheater is gone your house will gain peace.

MORAL OF STORY: CHEATERS ALWAYS LOSE! DO YOUR HOME I can spot fraud cheaters and liers. I divorced the Champ

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MORAL OF STORY: CHEATERS ALWAYS LOSE! DO YOUR HOMEWORK
I can spot fraud cheaters and liars. I divorced the Champ
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Frank Tomcsik · Top Commenter · University of Michigan-Dearborn

A good reason to take a break from life.

Carol Owens-Dillon

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I can spot trained cheaters and liars. I divorced the Champ

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The personal issues come at a challenging time. Under the state's emergency manager law, Dillon has unprecedented influence over financially struggling cities and school districts. In the past three years, Dillon has declared financial emergencies in Hamtramck, Detroit, Allen Park, Inkster, Detroit Public Schools, Highland Park School District and Muskegon Heights School District.



About Steve Neavling

Steve Neavling, who lives on the city's east side, is an investigative journalist, a freelance reporter for Reuters and former city hall reporter for the Detroit Free Press. A journalist for 15 years, his stories have uncovered corruption, led to arrests and reforms and prompted FBI investigations.



11 comments

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Steve Siz 21 hours ago

Excellent reporting, Steve. The rest of the local media chose to ignore your first story on this, but this will not end well for him.

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Guest 12 hours ago

It's not true. Maybe that's why no one else is reporting on it.

2 ~ ~ ~ Reply Share



Carol D 11 hours ago

Yes it is.

1 ~ ~ ~ Reply Share



bobow 10 hours ago

"Me, me, me...the universe revolves around my greasy, unkempt head and the drinks I want to hoist to it." Disgrace.

1 ~ ~ ~ Reply Share



Voices of Logic 10 hours ago

Excellent reporting? This isn't worthy of printing and using for TP. You slam a guy who seeks professional help during a messy divorce which he had a right to keep private and this allegation is absolutely without basis in fact. Lazy and irresponsible doesn't begin to describe this braud of journalism.

1 ~ ~ ~ Reply Share



Joseph Kasak 11 hours ago

A messy divorce his alcoholism probably caused. And just because you're low information doesn't mean that it isn't true. Don't worry, your tax dollars are funding him completely.

1 ~ ~ ~ Reply Share



bobow 10 hours ago

Are you claiming he paid the child support?

1 ~ ~ ~ Reply Share



Carol D 11 hours ago

Steve's reporting is spot on

1 ~ ~ ~ Reply Share



Frank Tomesik 11 hours ago

Here is more that other media ignore.

A good reason to take a break from life.
Carol Overas-Dillon
Great story of GOOD VS EVIL.

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Abstract

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Carol Owens-Dillon

Great story of GOOD VS EVIL..

a year and a half ago I caught my then alcoholic husband Andy Dillon cheating on Christmas Day with his secretary AMY RICHEZ. After years of watching him lie and cheat I finally kicked him out and never looked back. He continues to harass and bother me with drunk texts etc.. nothing I can handle.

Today on my usual 10 mile run (of which there is this one house where a man constantly comes out to try to talk and asks over n over why I won't go out w him. He can't take a simple no. Plus I ignore him)

Passing his house 1/15 beautiful Sunday, I fortunately had the opportunity of meeting a woman sitting on the porch. We chatted a while and I told her what was up. She suspected he was a cheater. I apologized for her pain and assured her once the cheater is gone your house will gain peace.

MORAL OF STORY: CHEATERS ALWAYS LOSE! DO YOUR HOMEWORK

I can spot fraud cheaters and liars. I divorced the Champ

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Worked at Local Business Network

 Studied Masters in Public Administration at University of Michigan-Dearborn
Past: Detroit St. Andrews

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